

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weber *et al.*

Appl. No. 10/753,069

Filed: January 8, 2004

For: Systems and Methods for Trading  
Actively Managed Funds

Art Unit: 3695

Examiner: PERRY

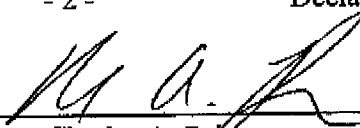
Atty. Docket: 00322.0008.CPUS01

**Third Declaration of Charles A. Baker Under 37 C.F.R. § 1.132**

I, Charles A. Baker, do hereby declare the following:

1. I am a named inventor on the captioned patent application.
2. The examiner in this case relies on an article in the New York Times from September 19, 1999 entitled "Amex Considers Mutual Fund Trading." I have studied this article and understand what it is saying and I understand the quotes in it from my co-inventor, Gary Gastineau.
3. The examiner also relies on a Business Week article from November 15, 1999 entitled "New Exchange Funds: Not Just Spiders and WEBS." I have also studied this article and understand what it is saying and I understand the paraphrase in it from my co-inventor, Gary Gastineau.
4. At the time of these articles, Mr. Gastinaeu worked for the American Stock Exchange, who was the original assignee of the captioned patent application. The entire discussion of the New York Times article relates to our invention, as disclosed and claimed in the captioned patent application. It does not relate to or reflect the work of any other inventor than those named on the captioned patent application. The Business Week article does not provide any description of how an actively managed exchange traded fund might be constructed.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
By: Charles A. Baker

Date: 11/6/09

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